

PATENT

Application No.: 09/930,717
Attorney Docket No.: 00-065**REMARKS**

Upon entry of this Amendment, which is respectfully requested for the reasons set forth below:

- Claims 32-37 and 39-48 will be pending (16 total claims)
- Claims 31, 32 and 38 will be the only independent claims (3 independent claims)

Section 102(b) Rejections

Claims 31-38 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,871,398 issued to Schneier et al. ("Schneier"). We respectfully traverse the Examiner's Section 102(b) rejections.

Although we do not necessarily agree with the Examiner's rejection, independent Claims 31 and 38 have been cancelled. We reserve the right to pursue the subject matter of claims 31 and 38 in a continuing application.

Although we do not necessarily agree with the Examiner's rejection, we have amended independent Claim 32 to recite features of:

- storing an indication of the at least one preference for delivery in a database
- retrieving the at least one preference for delivery from the database

We submit that Schneier does not suggest storing an indication of a preference for delivery in a database, much less retrieving such a preference from a database.

In contrast, some embodiments of the present invention provide for storing an indication of a preference for delivery (and various other types of play options) in a database (e.g., corresponding to a player).

We are not certain exactly what portion of Schneier the Examiner believes suggests an indication of a preference for delivery. Specifically, it is not clear how "payment for each lottery ticket" (see Office Action, page 2) indicates anything about how a player would prefer to have outcomes delivered to him.

Nonetheless, we submit that Claim 32 (and Claims 33-37 dependent therefrom) are allowable over Schneier.

PATENT

Application No.: 09/930,717
Attorney Docket No.: 00-065**New Claims 39-48 Contain Allowable Subject Matter**

None of the cited references suggest that a player may indicate a preference for how outcomes of lottery games are delivered to the player. In contrast, various embodiments of the present invention allow a player to indicate how he would like lottery information to be delivered (e.g., to a communication device associated with the player). None of the references even hints at the desirability of allowing a player to indicate how he would like determined outcomes delivered to him. Accordingly, no combination of the cited references suggests any of the following features

- *receiving at least one selection by the player for how lottery game outcomes are delivered to the player, in which each selection comprises at least one of the following:*
 - *an indication of a time of day to provide a lottery game outcome to the player,*
 - *an indication of a number of a cellular telephone,*
 - *an indication of a period of time between delivery of lottery game outcomes, and*
 - *an indication of an e-mail address;*
- *communicating the first lottery game outcome to the player in accordance with the at least one selection for how lottery game outcomes are delivered to the player*

as recited in new independent Claim 39; or

- *receiving from the communication device at least one parameter for providing lottery game outcomes to the player,*
 - *the at least one parameter including a preference for delivery of the lottery game outcomes to the communication device*
- *transmitting the first lottery game outcome to the communication device in accordance with the preference for delivery of the lottery game outcomes.*

as recited in new independent Claim 48.

PATENT

Application No.: 09/930,717
Attorney Docket No.: 00-065

New claims 41-48 depend from Claim 40 and are believed to be allowable for the same reasons as Claim 40.

Accordingly, we submit that each of new Claims 39-48 contains allowable subject matter.

Conclusion


It is submitted that all of the claims are in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

Please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,

December 23, 2004
Date



Michael Downs
Attorney for Applicants
Registration No. 50,252
mdowns@walkerdigital.com
(203) 461-7292 /voice
(203) 461-7300 /fax